



# Protecting and Restoring Our Great Lakes

Revised Draft  
Annex Implementing Agreements  
July-August 2005

# The Great Lakes Basin



# Past Actions Taken and Challenges Facing the Great Lakes Basin

- 1985 – Great Lakes Charter  
Uneven implementation by States
- 1986 – U.S. federal statute (WRDA)  
Diversions only, no standard
- 1998 – Nova Group proposal



# Past Actions Taken and Challenges Facing the Great Lakes Basin

- 1999 – Recurring lower lake levels
- 2000 – WRDA amendment
- 2000 – IJC report
- 1992-2002 – Canadian federal and provincial bans on diversions



# The Historic Measure

- **October 1999: Great Lakes Governors' and Premiers' commitment**
- **June 18, 2001: Governors and Premiers came together in Niagara Falls**
- **All 10 signed the Great Lakes Charter Annex 2001**
  - To update the way Great Lakes Basin water will be managed
  - To protect, conserve, restore and improve the Great Lakes Basin for future generations



# Annex Implementation

- All 10 States and Provinces have been working together to develop agreements to implement the Annex
- Advisory Committee, technical experts and federal government representatives have been participating
- Dialogue has been ongoing with Tribes and First Nations



# Draft Annex Implementation Documents

- Released on July 19, 2004
- Public review period
- 30+ public meetings in the region
- 10,000+ comments received
- Substantial revisions have been made based on comments





# Details of the Revised Draft Agreements

- Technical name is Annex Implementing Agreements
  - A good faith State-Provincial agreement
  - A compact among the States
- Include a science-based standard to review proposals
- Require water users to practice conservation
- Encourage economic development and environmental protection



# Details of the Revised Draft Agreements

- The draft agreements are not intended to infringe on aboriginal or treaty rights, or rights held by a Tribe or First Nation based on its status as a Tribe or First Nation.
- The draft agreements are not intended to conflict with the International Boundary Waters Treaty.

# Diversions

<b>2004</b> <b>Draft Agreements</b>	<b>2005</b> <b>Revised Draft Agreements</b>
<p><b>Regulation based on common standard</b> (e.g. return flow, improvement, conservation, no significant impacts)</p> <p><b>Regional review</b> 1+mgd (Compact vote)</p> <p><b>Exemptions</b> e.g. 12 mile return flow exemption, flexibility in defining intra-basin diversions</p>	<p><b>Prohibition with exemption:</b></p> <ul style="list-style-type: none"><li>•<b>Ballast, short-term fire fighting, humanitarian needs</b></li></ul> <p><b>Prohibition with exception:</b></p> <ul style="list-style-type: none"><li>•<b>Straddling communities</b> (existing corporate boundary of cities, towns straddling basin/watershed divide)</li><li>•<b>Straddling counties</b></li><li>•<b>Intra-Basin transfers</b></li></ul>

# Consumptive Use

<b>2004</b> <b>Draft Agreements</b>	<b>2005</b> <b>Revised Draft Agreements</b>
<ul style="list-style-type: none"><li>•<b>Regulation by States and Provinces based on common standard</b> (100,000+ gpd)</li><li>•<b>Regional review</b> 5+mgd (19 mld) and <b>Compact vote</b> for U.S. proposals</li></ul>	<ul style="list-style-type: none"><li>•<b>Regulation by States and Provinces based on common standard</b> (100,000+ gpd)</li><li>•<b>Regional Review</b> 5+mgd (19 mld)</li></ul>

# Conservation

<b>2004</b> <b>Draft Agreements</b>	<b>2005</b> <b>Revised Draft Agreements</b>
<ul style="list-style-type: none"><li>•<b>Conservation Plan</b> for proposals that trigger Regional Review</li><li>•<b>Conservation measures</b> for other proposed withdrawals</li><li>•<b>No reasonable alternative</b> including conservation of existing water supplies</li><li>•<b>Jurisdictional Programs</b> subject to annual reporting, regional review</li></ul>	<p><b>Proposals</b> – conservation measures; conservation of existing water supplies</p> <p><b>Programs</b> – strengthened commitments to conservation, restoration, ecosystem integrity; develop program within 5 years of agreements (best management practices, performance standards, monitoring, research etc.); subject to annual reporting, regional review</p>

# Resource Improvement

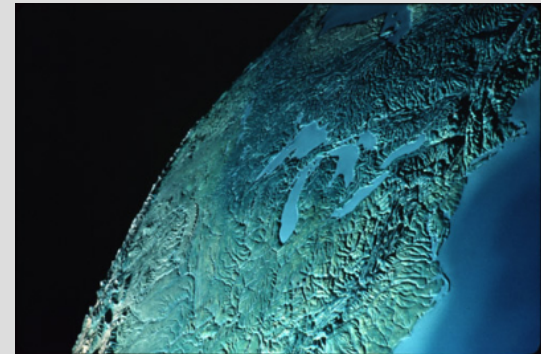
<b>2004 Draft Agreements</b>	<b>2005 Revised Draft Agreements</b>
<ul style="list-style-type: none"><li>•Resource Improvement project required for <u>all</u> diversions and for consumptive uses that trigger regional review</li><li>•Preference for hydrologic improvements</li></ul>	<ul style="list-style-type: none"><li>•Included in broader commitment to restoration and conservation</li></ul>

# Additional Issues

Issue	2005 Revised Draft Agreements
Cumulative Impacts	<ul style="list-style-type: none"><li>•Periodic review maintained; reference to climate change, precautionary principles, guidelines</li></ul>
Groundwater Divide	<ul style="list-style-type: none"><li>•Surface divide to be used</li><li>•Commitment to improved science on groundwater</li></ul>
Averaging Periods	<ul style="list-style-type: none"><li>•90 days</li></ul>

# Next Steps

- 60-day public review period – summer 2005
- Consensus will be sought on agreements.
- Finalized agreements could go to Governors and Premiers for review and consideration later this year.
- Framework for State and Provincial laws to protect Great Lakes Basin.
  - Congress would be asked to consent to any compact among States.
  - No federal legislation required in Canada.





# Council of Great Lakes Governors

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